

## REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated May 7, 2004. Claims 1-5 and 8-26 are currently pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 11-22.

In the present Office Action, the Examiner has now rejected Claims 1-3, 8-10, and 23-26 under 35 U.S.C. § 102(b) as being anticipated by *Wittstein et al.* (U.S. 5,631,947), and Claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over *Wittstein* in view of *Smolik* (U.S. 6,381,455).

As Claims 1, 8, 23, and 24 are the remaining rejected independent claims of the application; the following analysis will focus primarily upon them.

As indicated above, independent Claims 1, 8, 23, and 24 have been rejected as being anticipated by *Wittstein*. More specifically, the Examiner is asserting that *Wittstein* teaches all the recitations of these claims. For the Examiner's convenience, Claims 1, 8, 23, and 24 are presented below and currently read as follows:

1. (Previously Presented) A method of billing service in an electronic switch in a cellular network system, comprising the steps of:

setting a time when a service initiation request or a service resumption request is generated as a service start time and initiating a call;

setting a service suspension request time as a service end time upon generation of a service suspension request by the system during the service and suspending the service;

sending billing data including the service start time and the service end time in the service suspended state, and determining whether a service resumption request is generated; and

ending the service when a service termination request is generated in the service suspended state.

8. (Previously Presented) A method of billing service in an electronic switch in a cellular network system comprising the steps of:

calculating a service suspended period whenever a service suspension occurs during a service and accumulating service suspended periods; and

constructing billing data, including a final service suspended period being the accumulated value of service suspended periods and sending the billing data to a billing processor, when the service ends, wherein service suspension periods are interruptions of service by the system.

23. (Previously Presented) A billing method in an electronic switch in a cellular network system, comprising the steps of:

counting the number of service suspension occurrences generated during a service, constructing billing data including the count value, and sending the billing data to a billing processor, via a call processor; and

producing a total service suspended period by multiplying the number of service suspension occurrences by an average service suspended period, subtracting the total service suspended period from an overall service period, and billing a subscriber for a resulting normal service period,

wherein service suspension occurrences are interruptions of service by the system.

24. (Previously Presented) A billing method in an electronic switch in a cellular network system, comprising the steps of:

calculating a service suspended period during a service in progress; and

billing a subscriber for a normal service period resulting from subtracting the calculated service time period from an overall service period,

wherein the service suspended period is an interruption of service by the system.

While *Wittstein* arguably teaches a method for crediting a bill for a dropped call, it is respectfully submitted that this method in no way anticipates the methods of the present invention as recited in Claims 1, 8, 23, and 24. The method in *Wittstein* as cited by the Examiner (column 18, line 50 to column 19, line 11) reads as follows:

Another problem with mobile telephones is that the calls can be "dropped" or interrupted by local interference or other causes. Normally, part of a minute of "air time" is charged for by the mobile phone system as if it were a full minute.

In some cellular phone systems, a time delay is provided (e.g., 10 seconds) between the time when the connection is broken and when the connection is dropped, so that if the user presses the "SEND" button on his phone, the company will give him credit for the last minute of the call. Then, the user must dial the call again.

The preferred telephone of the present invention does not have a "SEND" button. However, credit is given for the last minute of a dropped call by use of the answer detect circuit 97 (FIG. 4) to detect the hang-up of the called party, and using that detection to identify a completed call and differentiate it from a dropped call. When the hang-up signal is not detected, credit is given to the user for the last minute of the dropped call. Also, the computer 70 is programmed to develop a "SEND" signal and send it to the cellular system so that the lessor of the telephone (e.g., the hotel or car rental company) also gets credit for the last minute of the dropped call.

The answer detect circuit 97 is well-known, and in view of the disclosure above, the programming steps to implement the incoming call control and dropped call credit features are well within the skill of the art to provide.

As can be seen from the Examiner's cited section of *Wittstein*, *Wittstein* clearly does not recite all of the steps, if any, as recited in Claims 1, 8, 23, and 24. *Wittstein* merely credits a last

minute of a call after a call drop. There are no setting, calculating, or counting steps as recited in Claims 1, 8, 23, and 24 of the present application. For example, Claim 1 recites setting a time when a service initiation request or a service resumption request is generated as a service start time and initiating a call, and setting a service suspension request time as a service end time upon generation of a service suspension request by the system during the service and suspending the service; Claim 8 recites calculating a service suspended period whenever a service suspension occurs during a service and accumulating service suspended periods; Claim 23 recites counting the number of service suspension occurrences generated during a service, constructing billing data including the count value, and sending the billing data to a billing processor, via a call processor, and producing a total service suspended period by multiplying the number of service suspension occurrences by an average service suspended period, subtracting the total service suspended period from an overall service period, and billing a subscriber for a resulting normal service period; and Claim 24 recites calculating a service suspended period during a service in progress, and billing a subscriber for a normal service period resulting from subtracting the calculated service time period from an overall service period. It is respectfully submitted that *Wittstein* as cited by the Examiner, teaches none of these recitations. Therefore, it is respectfully submitted that the Examiner is incorrect.

Further, the Examiner has again rejected Claim 23 with the same argument as used with Claim 1. However, as presented in our previous response of February 23, 2004, Claim 23 does not even recite similar recitations as those in Claim 1. Therefore, it is respectfully submitted that the Examiner has failed to make a proper rejection of Claim 23.

Accordingly, it is respectfully submitted that independent Claims 1, 8, 11, 16, 21, 23, and 24 are in condition for allowance. Further, with independent Claims 1, 8, 11, 16, 21, 23, and 24 in condition for allowance, then at least because of their dependence upon these claims, respectively, it is respectfully submitted that dependent Claims 2-5, 9-10, 12-15, 17-20, 22, and 25-26 are also in condition for allowance.

Additionally, it is noted that Claims 6 and 7 have not been withdrawn from consideration, as indicated by the Examiner. Claims 6 and 7 were cancelled without prejudice in the amendment of November 27, 2002.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-5 and 8-26, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", is written over a horizontal line.

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